IV

1942

File No. B. Munis. Bom. City/42

Legal DEPARTMENT

B BRANCH

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Subject:—

Governors Bill No. XVI of 1942

A Bill to amend the City of Bombay Municipal Act, 1888

(Ins. of new SS. 60A to 60D.)

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Bom. XV of 1942

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8/5.

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No. 6920

Legal Department,

Bombay Castle 24the August 1942.

From

P.N.Kose, Esquire , Bar-at-law , I.C.S.

Secretary to the Government of Bombay;

To.

The Secretary to His Governor.

Subject:- A Bill to amend the City of Bombay Municipal Act, 1888.

Sir,

With reference to your Memorandum dated the 22nd August 1942,addressed to the General Department, on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor, a copy of the Bill to amend the City of Bombay Municipal Act, 1888, prepared by His Excellency the Governor under paragraph (2)of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a),(b),(c) or (d) of paragraph XVIII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill fall s under entry No.15 in theProvincial Legislative List, in the Seventh Schedule to the Government of India Act, 1935. None of the provisions of the Bill relates to any matter enumerated in theConcurrent Legislative List. It is not, therefore, necessary to reserve the Bill for consideration of the Governor-General with reference to paragraph(2) of the Proclamation and section 107 (2) of the Government of India Act, 1935.

4. The date on which His Excellency the Governor's assent is given may, kindly be inserted in the endorsement.

5. I am also to forward herewith one spare copy of

the Bill.

Your obedient servant,

Sd/- P.N.M.
Sd/- 22/8/42.

Secretary to the Government of Bombay,
Legal Department.

Through Joint.

The Joint Secretary to the Government of Bombay,
General Department.

5-5-1956.

4C.

No.201(72).
Office of the Governor's Secretary,
Government House,
Bombay 25th August 1942.

From

J.B.Irwin,Esquire,I.C.S., O.B.E. M.S.O. M.C.,I.C.S.
Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department.

Subject:- A Bill to amend the City of Bombay Municipal Act, 1888.

Sir,

With reference to your letter No. 6920, dated the 24th August,1942, I am directed to return herewith the copy of the Bill to amend the City of Bombay Municipal Act, 1888 prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph, His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty.

Your obedient servant,

Sd/-

For secretary to the Governor of Bombay.

V.VK.
7-5-1956.

40.

Acts.

Publication of the City of xkm Bombay Municipal (Third Amendment) Act, 1942.

GOVERNMENT OF BOMBAY.

Legal Department.
Resolution No. 6922
Bombay Castle, 25th August 1942.

Letter to the Secretaty to the Governor, No. 6920, dated the 24th August 1942.

Letter from the Secretary to the Governor, No. 201(72) dated the 25th August 1942.

RESOLUTION. The law should be published as Bombay Act No. XV of 1942, in the Bombay Government Gazette dated the 25th August 1942.

2. The Act should be translated into Marathi, Gujarati and Hindustani (in Urdu and Devenagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the General Department.

By order of the Governor of Bombay,

Sd/- N.K.Dravid

For { P.M.Moos, Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 15 gazette copies of the Act may be forwarded to the Legal Department) The General Department).
The Oriental Translator to Government.
The Secretary to the Bombay Legislative Council) with a copy
The Secretary to the Bombay Legislative Assembly.) of the Act.

*With five extra copies

V.VK. 7/5/56/
40.

15-41

GOVERNOR'S BILL No. XVI OF 1942.

A Bill to amend the City of Bombay Municipal Act, 1888.

WHEREAS it is expedient to amend the City of Bombay Municipal Act, 1888, for the purposes hereinafter appearing;

Bom. III of 1888.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

26 Geo. 5, Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

Short title and duration.

1. (*1*) This Act may be called the City of Bombay Municipal (Third Amendment) Act, 1942.

(*2*) It shall remain in force for six months only :

Provided that the Provincial Government may, by notification in the Official Gazette, direct that it shall remain in force for a further period not exceeding six months at a time, but in no case beyond the 1st day of April 1944.

Insertion of Chapter II-A in Bom. III of 1888.

2. After Chapter II of the City of Bombay Municipal Act, 1888, the following Chapter shall be inserted, namely :—

Bom. III 1888.

"CHAPTER II-A.

Special provisions for certain meetings, etc.

Power of Commissioner to call meetings and fix quorum.

60A. If at any time it appears to the Commissioner that a situation has arisen whereby a meeting of the Corporation or a Committee constituted or appointed under this Act is for any reason not likely to be held as required by or under this Act, he may, notwithstanding anything contained in this Act or in any rules or regulations made thereunder, fix the day, time and place of such meeting.

(c) where no member is so appointed or the member so appointed declines to exercise the power, by such other member of the schools' committee as the Commissioner may appoint in that behalf.

(2) Any order signed as provided in sub-section (1) shall have the same force and effect as if it were an order signed by the chairman of the schools' committee."

I assent in His Majesty's name to the Bill under paragraph (2) of the Proclamation dated the 4th Novemb 1939 issued by me under section 93 of the Government of India Act, 1935

Dated August 1942.

GOVERNOR

Amendments of certain sections in relation to meetings under section 60A.

60B. In relation to a meeting held at the day, time and place appointed under section 60A,—

(*a*) clause (*f*) of section 36 shall be read as if for the word 'twenty-five' wherever it occurs, the word 'fifteen' were substituted;

(*b*) clause (*d*) of sub-section (*5*) of section 39 shall be read as if for the word 'eight' the word 'four' were substituted;

(*c*) clause (*d*) of section 49 shall be read as if for the word 'six' the word 'four' were substituted;

(*d*) clause (*d*) of section 49-I shall be read as if for the word 'eight' the word 'four' were substituted;

(*e*) the proviso to clause (*l*) of section 36 shall be read as if for the words 'three-fourths' wherever they occur and for the word 'fifteen' the words 'one half' and the word 'nine' were respectively substituted.

Meetings under section 60A not to be adjourned without four-fifths majority.

60C. Notwithstanding anything contained in this Act or any rules or regulations made thereunder a meeting of the Corporation or a Committee constituted or appointed under this Act held at the day, time and place appointed under section 60A shall not be adjourned except on a vote of four-fifths of the councillors or members present at the meeting.

Certain powers to be exercised in absence of chairman of schools' committee.

60D. (*1*) The power conferred on the chairman of the schools' committee under sub-section (*8*) of section 39 shall, in the absence of the chairman, be exercised—

(*a*) by such one of its members as the schools' committee may appoint in that behalf, or

(*b*) where no member is so appointed or the member so appointed declines to exercise the power, by such other member of the schools' committee as the Commissioner may appoint in that behalf.

(*2*) Any order signed as provided in sub-section (*1*) shall have the same force and effect as if it were an order signed by the chairman of the schools' committee."

I assent in His Majesty's name to the Bill under paragraph (2) of the Proclamation dated the 4th November 1939 issued by me under section 93 of the Government of India Act, 1935

Dated August 1942.

GOVERNOR

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STATEMENT ~~OF OBJECTS AND REASONS~~.

There has arisen in the Bombay Municipal Corporation a situation by which meetings of the Corporation and of certain Committees cannot be convened. Difficulties are also likely to be experienced in forming the quorum prescribed under the Act and Rules for various meetings and in the exercise of certain statutory powers which must be performed. With a view to meeting this situation and enabling the normal function of the Corporation to be carried on, it is necessary to amend certain sections of the Municipal Act relating mainly to procedural matters. The attached Act is designed to carry out these amendments. It empowers the Municipal Commissioner to convene meetings of the Corporation and Committees constituted or appointed by or under the Act. It also reduces the quorum of Councillors now prescribed under the Act, increases the number of Councillors required for passing a motion of adjournment and empowers any member appointed by the Schools Committee or by the Commissioner to exercise certain powers in the absence of the Chairman.

The Act will remain in force for six months but is extensible by further periods of six months at a time, but in no case beyond 1st April 1944.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.